

Mayor Bill Seuell called the meeting to order at 7:00 p.m. Also present were Councilmembers Robert Jurca, Mary Cooper, Jim Berger and Kay Carlquist, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**Pledge of Allegiance**

The Mayor led everyone present in the Pledge of Allegiance.

**Changes to the Agenda**

There were none.

**Minutes**

It was moved by Councilmember Berger and seconded by Councilmember Carlquist to approve the minutes of the March 6, 2007 meeting. All in favor, motion carried.

**Citizen Comments**

Chief of Police Rich Bacher introduced Bill Sowell, his department's new Records and Evidence Custodian.

**Financial Report**

Finance Director Tod DeZeeuw presented the Financial Report for the period ending February 28, 2007 and answered questions from Council.

**Council Bill #10, 2007; First Reading; Initial Zoning of the Northeast Garnet Addition**

Community Development Director Glen Black reported that the Planning Commission had held a public hearing on the proposed initial zoning for the recently annexed enclave known as the Northeast Garnet Addition at their March meeting. The Planning Commission recommended A-1 zoning for the parcels, except for the property located at 1775 G Road owned by Bill and Colleen Jensen. Since Mr. Jensen is currently building a third duplex on the property, he has requested R-2 zoning. Thus, the Planning Commission recommended R-2 for the Jensen property. The recommended A-1 and R-2 zoning is consistent with existing and planned uses within the addition and in the surrounding area.

Councilmember Berger pointed out that the property south across G Road from the Northeast Garnet Addition is zoned either R-1 or Rural Residential (R-R). He asked how that had come about. Director Black explained that historically, at the time property is annexed into the City, the City has zoned the newly annexed property either as requested by the property owner, or consistent with existing uses, if the requested zoning does not present public health, safety and welfare issues.

Alan Metcalf of 1769 Clear View Drive and Walt Blackburn of 1751 Clear View Drive spoke in opposition to the R-2 zoning for the Jensen property. Among the reasons given for their opposition were the following:

- Both considered the R-2 zoning to be "spot zoning;"
- A similar request by the Jensens was denied last year;
- The high density allowed in the R-2 zoning district would adversely affect the health, safety and welfare of the inhabitants of the surrounding property.

Mr. and Mrs. Jensen addressed Council concerning the need for affordable housing in Delta and explained how their development would help meet that need. Discussion continued concerning the need for affordable housing and the densities allowed by various residential zoning districts.

City Attorney Schottelkotte advised that pursuant to Municipal Code Section 17.04.290(H), Council does not have authority to reverse a decision of the Planning Commission with respect to the initial zoning of newly annexed property, unless an appeal of the Planning Commission decision was timely filed. In this case, no appeal was filed within the time established by Municipal Code Subsection 17.04.290(H)(3). Thus, Council has no alternative but to ratify the decision of the Planning Commission.

**Regular Meeting, Delta City Council, March 20, 2007 (Cont.)**

**Council Bill #10, 2007 (Cont.)**

Council Bill #10, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
PROVIDING INITIAL ZONING FOR THE NORTHEAST GARNET  
ADDITION

was read by the Clerk.

It was moved by Councilmember Berger and seconded by Councilmember Cooper to adopt Council Bill #10, 2007 on first reading. Roll call vote: Councilmembers Jurca, aye; Cooper, aye; Berger, aye; Carlquist, aye; and Seuell, aye. Motion carried.

**Council Bill #11, 2007; First Reading; Rezoning of 1331 A Street**

Community Development Director Black reported that a public hearing had been held by the Planning Commission on the requested change in zoning at their March meeting. They recommended approval of the change of zoning from Rural Residential (R-R) to A-1 for this property located at 1331 A Street (Lot 2 of the Schmalz Minor Subdivision). Mr. Black explained that Lots 1 and 3 of the minor subdivision would retain their present zoning classification of R-R. Since a local church has made an offer for the property, owners Robert and Judi Schmalz have requested the change to A-1 because churches are permitted in the A-1 zone, but not in the R-R zone.

Mayor Seuell explained that he owns property immediately adjoining the Schmalz property, and recused himself. Mayor Seuell left the meeting room and Mayor Pro Tem Cooper chaired the following portion of the meeting.

Council and staff briefly discussed possible future plans for 11<sup>th</sup> Street Hill right-of-way, whether or not the criteria for approval of a change in zoning are met by this request, and whether or not this request would fit the definition of "spot zoning."

Robert Schmalz reported that the property is not accessible from the 11<sup>th</sup> Street Hill/Hastings Street side in any event. In addition, he explained that the only responses received after the required notices were sent to the neighboring property owners favored the requested change to A-1. In fact, many of them preferred the A-1 zoning to the R-R zoning since R-R allows higher density.

Council Bill #11, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
CHANGING THE ZONING DESIGNATION OF PROPERTY AT  
1331 A STREET FROM AN R-R DISTRICT TO AN A-1 DISTRICT

was read by the Clerk.

It was moved by Councilmember Berger and seconded by Councilmember Carlquist to adopt Council Bill #11, 2007 on first reading. Roll call vote: Councilmembers Jurca, aye; Cooper aye; Berger, aye; and Carlquist, aye. Motion carried.

Mayor Seuell returned to the meeting room and resumed the chair.

**Resolutions #2, #3, and #4, 2007; Setting a Public Hearing for the Annexation of the Jennings Landing Additions No. 1, No. 2, and No. 3**

Community Development Director Glen Black reported that the City has received annexation petitions for the Jennings Landing Additions No. 1, No. 2, and No. 3. If Council wishes to consider annexation of this property near Sweitzer Lake, they will need to adopt resolutions setting a public hearing on the annexation.

City Attorney Schottelkotte stated that he would request an Executive Session later in the meeting to discuss the terms of a pre-annexation agreement required for this annexation.

Terry Lawrence and Dan Wilson, representing developer Grace Homes, addressed Council concerning the pre-annexation agreement and their development plans for the proposed addition.

**Regular Meeting, Delta City Council, March 20, 2007 (Cont.)**

**Resolutions #2, #3, and #4, 2007 (Cont.)**

Resolution #2, 2007

A RESOLUTION OF THE CITY OF DELTA SETTING A PUBLIC  
HEARING ON THE ANNEXATION OF THE JENNINGS LANDING  
ADDITION NO. 1

was read by the Clerk.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Resolution #2, 2007. Roll call vote: Councilmembers Jurca, aye; Cooper, aye; Berger, aye; Carlquist, aye; and Seuell, aye. Motion carried.

Resolution #3, 2007

A RESOLUTION OF THE CITY OF DELTA SETTING A PUBLIC  
HEARING ON THE ANNEXATION OF THE JENNINGS LANDING  
ADDITION NO. 2

was read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to adopt Resolution #3, 2007. Roll call vote: Councilmembers Jurca, aye; Cooper, aye; Berger, aye; Carlquist, aye; and Seuell, aye. Motion carried.

Resolution #4, 2007

A RESOLUTION OF THE CITY OF DELTA SETTING A PUBLIC  
HEARING ON THE ANNEXATION OF THE JENNINGS LANDING  
ADDITION NO. 3

was read by the Clerk.

It was moved by Councilmember Berger and seconded by Councilmember Cooper to adopt Resolution #4, 2007. Roll call vote: Councilmembers Jurca, aye; Cooper, aye; Berger, aye; Carlquist, aye; and Seuell, aye. Motion carried.

**Council Bill #12, 2007; First Reading; Modifying Monument Requirements**

Director Black noted that Council had discussed the survey monument requirements found in Municipal Code Section 16.04.070(J) at their February 20, 2007 meeting. As a result of that discussion, staff is suggesting the revisions found in the proposed ordinance.

Council Bill #12, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING SECTION 16.04.070(J) OF THE DELTA MUNICIPAL  
CODE TO MODIFY REQUIREMENTS FOR SURVEY  
MONUMENTS PERTAINING TO LOTS AND STREETS IN CITY  
SUBDIVISIONS

was read by the Clerk.

It was moved by Councilmember Cooper and seconded by Councilmember Carlquist to adopt Council Bill #12, 2007 on first reading. Roll call vote: Councilmembers Jurca, aye; Cooper, aye; Berger, aye; Carlquist, aye; and Seuell, aye. Motion carried.

**Equipment Bids**

Utilities Director Fay Mathews reported that \$12,000 was included in the 2007 budget to purchase a new fertilizer spreader for the Parks Department. In doing their research for this piece of equipment, staff discovered that a smaller spreader could be purchased with an extension to the hopper, which would be less expensive and still meet the Parks Department's needs.

## **Regular Meeting, Delta City Council, March 20, 2007 (Cont.)**

### **Equipment Bids (Cont.)**

Two bids were received as follows:

	<u>Base Bid</u>	<u>Hopper Extension</u>	<u>Hopper Agitator</u>	<u>Hopper Cover</u>	<u>Total</u>
L.L. Johnson	\$4,200	\$405	\$0	\$158	\$4,763
Colo. Golf & Turf	\$4,322	N.P.	N.P.	N.P.	\$4,322

Staff recommended purchasing the fertilizer spreader with the hopper extension and hopper cover from L.L. Johnson. Of the two submitted, the L.L. Johnson bid was more responsive to the City's specifications.

It was moved by Councilmember Berger and seconded by Councilmember Jurca to purchase the fertilizer spreader with the hopper extension and hopper cover from L. L. Johnson for \$4,763. All in favor, motion carried.

Mr. Mathews also reported that \$25,000 was included in this year's budget to purchase a new Skid Steer Loader. All departments use this piece of equipment from time to time, and as a result, the 1996 model currently in use will begin to need repairs more frequently in the near future.

The following bids were received for a new Skid Steer Loader:

	<u>Base Bid</u>	<u>Floor Cover</u>	<u>Side Window</u>	<u>Warning Beacon</u>	<u>Extended Warranty</u>	<u>Total</u>
Delta Imp.	\$22,196	\$35	\$420	\$234	\$700	\$23,585
Century	\$22,567	N.P.	\$379	Inc.	Inc.	\$22,946
Faris	\$23,839	Inc.	\$411	\$87	\$2,061	\$26,398
Rifle Equip.	\$27,607	N.P.	Inc.	\$83	\$465	\$28,155
Wagner	\$32,300	Inc.	Inc.	Inc.	Inc.	\$32,300

Staff recommended purchasing the Skid Steer Loader with floor covers, side window, warning beacon and extended warranty from Delta Implement. He pointed out the Delta Implement is a local dealer, and that their bid was very close to the lowest bid from Century Equipment.

It was moved by Councilmember Cooper and seconded by Councilmember Carlquist to purchase the Skid Steer Loader with floor covers, side window, warning lights, and extended warranty from Delta Implement for \$23,585. All in favor, motion carried.

### **Liquor License Renewals: North Delta Market 3.2% Beer License; Best Western Sundance Hotel/Restaurant Liquor License**

The Clerk reported that both renewal applications were complete and that the required fees had been paid. The Police Department reported no problems with either applicant during the past year and recommended approval of both renewal applications.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the 3.2% beer license renewal application for North Delta Market and the hotel/restaurant liquor license renewal application for Best Western Sundance. All in favor, motion carried.

### **Hellman Chevrolet Request to Use City Property during Home and Garden Show**

City Manager Sloan explained that the City has received a request from Tim Hellman of Hellman Chevrolet for permission to park vehicles on City-owned property east of the Recreation Center during the up-coming Home and Garden Show. Mr. Hellman has indicated that no sales would be made at this site during the Home and Garden Show.

It was moved by Councilmember Berger and seconded by Councilmember Jurca to approve the request from Hellman Chevrolet to use City property during the Home and Garden Show. All in favor, motion carried.

## **Regular Meeting, Delta City Council, March 20, 2007 (Cont.)**

### **City Attorney Comments**

City Attorney Schottelkotte requested an Executive Session for an attorney/client conference for the purpose of received legal advice on specific legal questions pursuant to CRS Section 24-6-402(4)(b), and for the purpose of developing strategy for negotiations and instructing negotiators pursuant to CRS Section 24-6-402(4)(e), both having to do with the pre-annexation agreement for the Jennings Landing Additions.

### **City Manager Comments**

Parks Director Paul Suppes reported on the construction of three full-sized soccer fields at the Cottonwood site. The fields should be ready for play by fall.

Assistant City Manager Steve Glammeyer reported that the railroad is on-site and working on the laying of re-routed track.

### **Councilmember Comments**

Councilmember Berger reported on the following meetings:

- Delta County Housing Task Force – Discussed the down payment assistance program and the need for affordable housing; during his report, Mr. Berger commented on the need for affordable housing in Delta.
- Delta City Library Committee – Discussed combining the Committee with the Friends of the Library to form the Delta Library Foundation; a certified historic preservation architect will develop an assessment of the 1911 portion of the library building if State Historical Society approves \$10,000 grant, with the goal of restoring that portion of the building to its 1911 character.
- Work Force Housing Presentation – Discussion and presentation of ideas for affordable housing for Delta's work force.

Councilmember Carlquist stated that she agreed with Mr. Berger's comments about the need for affordable housing.

Mayor Seuell stated that he had also attended the Work Force Housing presentation and agreed with Mr. Berger's comments.

### **Executive Session**

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to convene an Executive Session for a conference with the City Attorney for the purpose of receiving legal advise on specific legal questions pursuant to CRS 24-6-402(4)(b), and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS 24-6-402(4)(e); or more specifically, to discuss the pre-annexation agreement for the Jennings Landing Additions. All in favor, motion carried.

At 8:30 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 9:16 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Kay Carlquist, Robert Jurca, Mary Cooper and Jim Berger, along with City Manager Lanny Sloan, Assistant City Manager Steve Glammeyer, Public Works Director Jim Hatheway, and City Attorney Mike Schottelkotte. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned.

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Mary Lynn Williams, CMC, City Clerk